

2007 DEC 03 THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA

UNITED STATES OF AMERICA)
)
v.) CR. NO. 93-60-E
)
DARLENE STRICKLAND)

RESPONSE TO MOTION FOR REDUCTION

Comes now the United States, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to the Motion for Reduction of Sentence filed by the defendant herein on November 27, 2007, states as follows:

1. The defendant was convicted by jury on April 6, 1993, of one count of conspiracy in violation of Title 21, United States Code, Section 846, and multiple counts of distribution and aiding and abetting the distribution of cocaine base. (R1-47). Consequently, the appellant was sentenced to a term of two hundred forty (240) months imprisonment on June 3, 1993.

2. The defendant seeks relief from her sentence of imprisonment on the basis of Amendment 706 to the United States Sentencing Guidelines which went into effect on November 1, 2007.

3. The retroactive application of amendments to the Guidelines to any given case is controlled by the policy statement found in U.S.S.G. § 1b1.10. More particularly, § 1B1.10 (c) lists the amendments to which its provisions apply. Amendment 706 is not identified as amendment to be given retroactive application. *See, United States v. Paris,*

2007 WL 4201129 (E.D. Mich., 11/28/2007).

WHEREFORE, premises considered, the defendant's motion is due to be and should be denied.

Respectfully submitted this 3rd day of December, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2007, I filed the foregoing with the Clerk of the Court, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following:

Darlene Strickland
Reg. No.: 08989-002
FPC Mariana
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Assistant United States Attorney